

CR13 00510

EJD

PSG

E-filing

UNITED STATES DISTRICT COURT

Filed

NORTHERN DISTRICT OF CALIFORNIA

JUL 31 2013

SEALED BY ORDER
OF THE COURT

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

VS.

EDUARDO ARRIAGA, a/k/a "Moreno,"

INDICTMENT

SEE ATTACHMENT

A true bill.
[Signature]
Foreperson

As to Counts 1 & 2
only.

Filed in open court this 31st day of July

A.D. 2013

UNITED STATES MAGISTRATE JUDGE

Bail. \$ No Bail Arrest warrant

DOCUMENT NO.	CRA'S INITIALS
Le	
DISTRICT COURT CRIMINAL CASE PROCESSING	

ATTACHMENT TO INDICTMENT COVER SHEET

U.S.

v.

EDUARDO ARRIAGA, a/k/a "Moreno,"

COUNT ONE: Title 21, United States Code, Section 841(a)(1)- Possession With Intent to Distribute and to Distribution of Methamphetamine.

COUNT TWO: Title 18, United States Code, Section 924 (c)(1)- Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime.

COUNT THREE: Title 21, United States Code, Section 841(a)(1)- Possession With Intent to Distribute and to Distribution of Methamphetamine.

COUNT FOUR: Title 18, United States Code, Section 924 (c)(1)- Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime.

MELINDA HAAG (CABN 132612)
United States Attorney

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OF THE COURT

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JUL 30 2013

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

v.

EDUARDO ARRIAGA,
a/k/a "Moreno,"

Defendant.

CASE NO.

CR 13 00510

EJD

PSG

VIOLATIONS: 21 U.S.C. § 841(a)(1) – Possession
with Intent to Distribute and Distribution of
Methamphetamine; 18 U.S.C. § 924(c) –
Use/Possession of Firearm in Furtherance of a Drug
Trafficking Crime

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute and Distribution of
Methamphetamine)

1. On or about April 29, 2012, in the Northern District of California, the defendant,
EDUARDO ARRIAGA, a/k/a "Moreno,"
unlawfully, knowingly, and intentionally possessed with intent to distribute, and distributed, a Schedule
II controlled substance, specifically, 50 grams and more of actual methamphetamine, its salts, isomers,
and salts of its isomers.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii), and

1 Title 18, United States Code, Section 2.

2 COUNT TWO: (18 U.S.C. §§ 924(c)(1)(A) -- Use/Possession of Firearm in Furtherance of a Drug
3 Trafficking Crime)

4 2. On or about April 29, 2012, in the Northern District of California, the defendant,
5 EDUARDO ARRIAGA, a/k/a "Moreno,"
6 unlawfully and knowingly used and carried a firearm during and in relation to a drug trafficking crime,
7 namely, the possession with intent to distribute and distribution of methamphetamine charged in Count
8 One of this Indictment, and possessed a firearm in furtherance of Count One.

9 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i).

10 COUNT THREE: (21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute and Distribution of
11 Methamphetamine)

12 3. On or about July 31, 2012, in the Northern District of California, the defendant,
13 EDUARDO ARRIAGA, a/k/a "Moreno,"
14 unlawfully, knowingly, and intentionally possessed with intent to distribute, and distributed, a Schedule
15 II controlled substance, specifically, 50 grams and more of actual methamphetamine, its salts, isomers,
16 and salts of its isomers.

17 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

18 COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) -- Use/Possession of Firearm in Furtherance of a Drug
19 Trafficking Crime)

20 4. On or about July 31, 2012, in the Northern District of California, the defendant,
21 EDUARDO ARRIAGA, a/k/a "Moreno,"
22 unlawfully and knowingly used and carried a firearm during and in relation to a drug trafficking crime,

23 //

24 //

25 //

26 //

27 //

28 //

1 namely, the possession with intent to distribute and distribution of methamphetamine charged in Count
2 ~~Two~~ ^{THREE} of this Indictment, and possessed a firearm in furtherance of Count ~~Two~~ ^{THREE}.

3 ^{CHS} All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i). ^{CHS}


4
5 DATED: 7/31/2013

A TRUE BILL

FOREPERSON

6
7 MELINDA HAAG
8 United States Attorney

9 
10 J. DOUGLAS WILSON
11 Chief, Criminal Division

12 (Approved as to form: 
13 AUSA STEPHEN MEYER
14 SAUSA CASEY O'NEILL

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 Matt Cobo-F.B.I.

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.

Name and Office of Person

Furnishing Information on THIS FORM MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

STEPHEN J. MEYER

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

EDUARDO ARRIAGA, a/k/a "Moreno,"

DISTRICT COURT NUMBER

CR13 00510

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding
 If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

 DATE OF
 ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

Month/Day/Year

 DATE TRANSFERRED
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ATTACHMENT TO PENALTY SHEET

U.S.

v.

EDUARDO ARRIAGA,

a/k/a "Moreno,"

COUNT ONE: Title 21, United States Code, Section 846- Conspiracy to Possess With Intent to Distribute, and to Distribute Methamphetamine.

Penalties:

Maximum prison sentence	Life
Maximum fine	\$5,000,000
Maximum supervised release term	Life
Mandatory special assessment	\$100

COUNT TWO: Title 18, United States Code, Section § 924(c)(1)(A) - Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime

Penalties:

Imprisonment:	Mandatory minimum 5 years imprisonment consecutive to any other term of imprisonment Maximum life imprisonment
Fine:	Maximum of the greater of: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another
Supervised Release:	Maximum 5 years
Special Assessment:	\$100

COUNT THREE: Title 21, United States Code, Section 841(a)(1)- Conspiracy to Possess With Intent to Distribute, and to Distribute Methamphetamine.

Penalties:

Maximum prison sentence	Life
Maximum fine	\$5,000,000
Maximum supervised release term	Life
Mandatory special assessment	\$100

COUNT FOUR: Title 18, United States Code, Section 924(c)(1)(A)- Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime

Penalties:

Imprisonment:	Mandatory minimum 25 years imprisonment (if convicted of count 2; otherwise 5 years) consecutive to any other term of imprisonment Maximum life imprisonment
Fine:	Maximum of the greater of: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another
Supervised Release:	Maximum 5 years
Special Assessment:	\$100